IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIDNARY ORIGINAL CIVIL JURISIDICTION

CHAMBER SUMMONS NO.138 OF 2004
IN
SUIT NO.4913 OF 2000

Majid Oomerbhoy .. Plaintiff

Vs.

Rashid Sattar Oomerbhoy & Ors. .. Defendants

And

M/s.Everest Containers .. Applicant

Mr.Jariwala i/b M/s.Thakore Zariwala & Associates for the plaintiff

Ms.M.B.Sadh i/b Zohair & Co. for the applicant

Mr.K.Joshi i/b M/s.Malvi Ranchoddas & Co. for defendant no.1

Mr.H.Shaikh S.O. of Court Receiver present

CORAM: S.U. KAMDAR, J.

DATE : 29TH MARCH, 2005

P.C. :

1. The learned counsel for the applicant makes a statement that 80% of the amount is already been paid to the applicant as per the recommendation of the Ld.Chartered Accountant and balance 20% is outstanding. She has also made a grievance that inspite of the order

dated 5.3.2004, the Chartered Accountant has not finalised the report in so far as balance payment of 20% is concerned.

2. The learned counsel is justified in making the aforesaid grievances. I direct the receiver and Chartered Accountant both to finalise the report in so far as balance 20% is concerned in respect of claim in prayer a(i). If report is not finalised within the stipulated period of time then in that event the Court Receiver is directed to release the said balance payment of 20% to the applicants herein.